

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BRANDY MARIE SANDOVAL,

Plaintiff,

v.

**DEPUTY POE, DEPUTY CHILDERS,
DEPUTY DWIGHT, DEPUTY
EGGLESTON, OSBORNE, DEPUTY
PIERCE, McIRVIN, DEPUTY WADE,
DEPUTY KELLY, SARGEANT TURNER,
CSS-CORRECT CARE SOLUTIONS, and
TRACY from CSS,**

Defendants.

Case No. 6:19-cv-710-YY

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on June 9, 2021. ECF 103. Judge You recommended that this Court grant Defendants Tracy Simpson's (Tracy from CCS) and Correct Care Solutions's (CCS) motion for summary judgment and deny as moot Defendants' motion to dismiss. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files an objection to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You’s Findings and Recommendation (ECF 103). The Court GRANTS Defendants’ Motion for Summary Judgment (ECF 51) and DENIES AS MOOT Defendants’ Motion to Dismiss (ECF 41).

IT IS SO ORDERED.

DATED this 15th day of July, 2021.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge